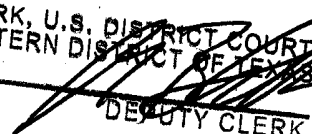


**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 09-50620
USDC No. 6:09-CV-101
USDC No. 6:07-CR-16-4

FILED

MAY 20 2010

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROSE MARY RANGEL, also known as Rose Trujillo Rangel,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas

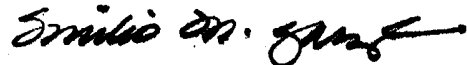
ORDER:

Pursuant to a plea agreement, Rose Mary Rangel, federal prisoner # 83689-180, pleaded guilty to a superseding information charging her with conspiracy to distribute cocaine. As part of the plea agreement, Rangel waived "her right to appeal her sentence on any ground" and "her right to contest her sentence in any postconviction proceeding, including but not limited to, a proceeding pursuant to 28 U.S.C. § 2255." Rangel did not file a direct appeal; instead, through counsel, she timely filed a § 2255 motion asserting that counsel was ineffective in (1) waiving her postconviction challenge on "any ground" and that such waiver was involuntary, (2) failing to properly investigate her case, (3) not informing her that her refusal to discuss the details of the offense with

No. 09-50620

the probation officer would result in the denial of a downward adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1, and (4) convincing her to waive her right to appeal her sentence. She now seeks a certificate of appealability (COA) to appeal the district court's denial of her § 2255 motion.

Rangel has not shown that jurists of reason would debate the district court's denial of § 2255 relief. *See Slack v. McDaniel*, 529 U.S. 473, 483 (2000). Accordingly, her motion for a COA is DENIED.



EMILIO M. GARZA
UNITED STATES CIRCUIT JUDGE

A true copy
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By 

Deputy
New Orleans, Louisiana

17 MAY 2010